

Application Serial No. 10/777,285
Response To Office Action dated March 28, 2005
In response to Office Action mailed February 22, 2005

REMARKS

I. IN THE OFFICE ACTION

The Examiner rejected claims 1-20 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-19 of U.S. Patent No. 6,730,750. Office Action, page 2. The Examiner states that “[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because substantially the same scope of processes is being claimed. Specifically, the patented claims are identical to the copending claims except that the patented claims include the limitation that the polyolefin is “ultrahigh molecular weight” which is not included in the instant claims. However, if the patented claims were prior art, they would clearly anticipate the instant claims, and therefore, the instant claims are not separately patentable over those already patented.” *Id.*

II. DISCUSSION

As noted by the Examiner in the Office Action, a timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used to overcome an actual or provisional rejection based upon nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application as required by 37 C.F.R. § 1.130(b).

Submitted herewith is a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) together with a check in the amount of \$130.00 as required by 37 C.F.R. § 1.20(d). The present

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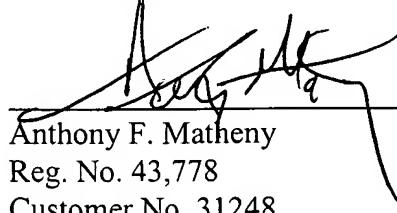
application and U.S. Patent No. 6,730,750 are commonly owned by Assignee Energy & Environmental International, L.C. as evidenced by the assignment recorded with the U.S. Patent and Trademark Office at Reel 012509, Frame 0378 and at Reel 014497, Frame 0822. Accordingly, the submitted Terminal Disclaimer is in compliance with 37 C.F.R. § 1.321(c) and 37 C.F.R. § 1.130(b). Therefore, Applicant respectfully requests that the provisional obviousness-type double patenting rejection of claims 1-20 be withdrawn.

III. CONCLUSION

In view of the above remarks, Applicant respectfully requests withdrawal of the rejection of claims 1-20 and issuance of a notice of allowance with respect to claims 1-20. In order to expedite the examination of this application, Applicant requests the Examiner to contact the undersigned at (713) 220-4168 to discuss any matters that can be resolved by telephone.

Respectfully submitted,

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